

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

DONALD RAY LONG,

Plaintiff,

v.

THE DALLAS HOUSING AUTHORITY,

Defendant.

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Civil No. **3:23-CV-0426-L-BK**

ORDER

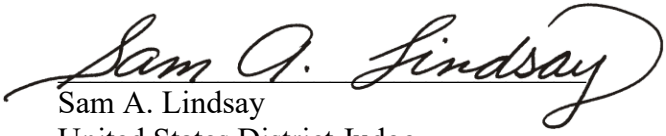
The Findings, Conclusions and Recommendation of the United States Magistrate Judge Renée Toliver (“Report”) (Doc. 7) was entered on April 19, 2023, recommending that the Complaint (Doc. 3) filed by pro se Plaintiff Donald Ray Long (“Plaintiff”) be dismissed for failure to comply with a court order and for lack of prosecution. Plaintiff failed to respond to a court-ordered questionnaire, requiring him to answer questions expounding on the factual allegations of his Complaint. Plaintiff did not file objections to the Report, and the time to do so has passed.

Having considered the Complaint, Report, file, and record in this case, the court determines that the magistrate judge’s finding and conclusions in the Report are correct, and **accepts** them as those of the court. Accordingly, the court **dismisses without prejudice** this action for failure to follow an order of the court and for lack of prosecution.

The court prospectively **certifies** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). In support of this certification, the court **incorporates** by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir. 1997). Based on the magistrate judge’s Report, the court concludes that any appeal of this action would present no legal point of arguable merit and would therefore be frivolous. *Howard v.*

King, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, Plaintiff may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with the clerk of the United States Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; Fed. R. App. P. 24(a)(5).

It is so ordered this 10th day of May, 2023.


Sam A. Lindsay
United States District Judge